

Translation

PATENT COOPERATION TREATY

PCT

PCT Application
PCT/CN2003/000925



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IEE030032PCT		FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/CN03/00925		International filing date (day/month/year) 30.Oct 2003(30.10.03)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC IPC7: H04L29/00			
Applicant UTSTARCOM (CHINA) CO.LTD. et al			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 27.May 2005		Date of completion of this report 13.Dec 2005	
Name and mailing address of the IPEA/CN The State Intellectual Property Office, the P.R.China, 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China 100088 Facsimile No. 86-10-62019451		Authorized officer Wang Xiaoli Telephone No. (86-10)62084536	

Form PCT/IPEA/409 (cover sheet) (April 2005)

BEST AVAILABLE COPY

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN03/00925

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages * _____ as amended (together with any statement) under Article 19
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN03/00925

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)

Claims 1-26 YES

Claims None NO

Inventive step (IS)

Claims 1-26 YES

Claims None NO

Industrial applicability (IA)

Claims 1-26 YES

Claims None NO

2. Citations and explanations (Rule 70.7)

The documents that are listed in the International Search Report :

D1: EP1056259A1 D2: US6542504B1 D3: WO03032609A2

D4: EP1328122A1 D5: CN1340255A

1. Disclosed in the above documents don't disclose all the features in claims 1-26. There are not the same technical proposals described in the D1 to D5, so the claims 1-26 are novel compared with the prior art, and comply with the requirements of the PCT Article 33 (2) .

2. D1 discloses a mobile station for telecommunications using Internet protocol with compressor/decompressor to provide each voice packet with a compressed header. D2 discloses a packet header information compression method in point-to-point link in Internet telephony. D3 discloses a multimedia data packet creation method in integrated packet network involves compressing headers created using call data and call setup information, and attaching compressed headers to data portion of packet. D4 discloses a Digital audio/video data transmitting method. D5 discloses a data packet transfer method for mobile communication system. The difference in independent claims 1, 12, 13, 20, 21 and 22 compared with the prior arts are that: adapting the size of the PDU, separating and combining the compressed header, the several features are all used for that the two RLC models can support the PDU transmitting mode on the PDCP layer which request higher the real time characteristic adopted the ROHC header compressing mode, and the difference in independent claims 23 and 26 compared with the prior arts are that: the method of the scheduling the packet of the RTP and the equipment thereof, Therefore, those skilled in the art cannot achieve the technology scheme of claims 1, 12, 13, 20, 21, 22, 23 and 26 from the teaching which combining the D1-D5. So the claim 1-26 are not obvious compared with the prior art, and do comply with the PCT Article 33 (3) ,that is, have the inventive step.

3. Because the technical solutions defined by claims 1-26 can be applied in the industry, so claims 1-26 have practical applicability and meet the criteria set out in PCT Article 33 (4).